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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
NGOC DUONG,)
a/k/a Danny Duong, and)
HONG LEE WONG,)
a/k/a William Wong,)
)
Defendants.)
)
)

CR No. 12-0578 SI

**STIPULATION AND ~~PROPOSED~~
PROTECTIVE ORDER RE:
DISCOVERY OF FINANCIAL AND
PERSONAL IDENTITY
INFORMATION**

This case involves allegations that the Defendants committed wire fraud, in violation of 18 U.S.C. § 1343, conspired to commit wire fraud, in violation of 18 U.S.C. § 1349, and committed aggravated identity theft using personal information of others in connection with the charged counts of wire fraud and conspiracy to commit wire fraud, all in violation of 18 U.S.C. § 1028A.

There will be discovery in this case, including financial institution records and other records and documents with personal identifying information of the defendants and others, including but not limited to: (1) Social Security numbers; (2) bank account numbers; (3) tax

1 information; and (4) personal identity information (including, for example, names, dates of birth,
2 home addresses, and driver's license numbers) (hereinafter referred to as "Confidential
3 Information").

4 Because of the amount of discovery, including discovery containing Confidential
5 Information, that will be produced in this case, and pursuant to Federal Rule of Criminal
6 Procedure 16(d), the parties stipulate that all prior and future disclosure of discovery is subject to
7 the following restrictions:

8 1. Except when being actively examined for the purpose of the preparation of the
9 defense, all discovery containing Confidential Information produced by the United States shall
10 be maintained in an physical or electronic location that is accessible only to defense counsel or
11 other attorneys and employees of defense counsel's law office. Defense counsel shall not permit
12 any person access of any kind to the discovery except as set forth below.

13 2. The following individuals may examine the discovery containing Confidential
14 Information for the purpose of preparing the defense:

- 15 (a) Counsel for each Defendant, and any other attorneys, paralegals, or
16 investigators in counsel's law office (the "defense team");
17 (b) Each Defendant, but only in the presence of said Defendant's counsel; and
18 (c) Any outside expert retained by the defense to analyze the discovery in this
19 matter.

20 3. The defense team may provide discovery containing Confidential Information to
21 the defendants for review outside of the presence of the defense team only if all Confidential
22 Information has been redacted prior to disclosure to the defendant.

23 4. A copy of this Order shall be maintained with the discovery at all times. Counsel
24 will advise all members of the defense team of the limitations on use of discovery and provide
25 them with a copy of this Order.

26 5. Except as provided in this Protective Order, absent further Order of this Court,
27 documents produced in discovery may not be provided to witnesses. However, as part of
28 preparing a defense, the defense team may show documents produced in discovery, including

documents containing Confidential Information, to witnesses. To the extent practicable, when showing documents containing Confidential Information to witnesses, the defense team shall take efforts to limit disclosure of Confidential Information, e.g., redacting those sections of the document that do not need to be shown to a witness. The defense team shall keep a list of witnesses to whom disclosure of Confidential Information was made and the date on which disclosure was made, which will not be made available to the United States absent a Court Order.

6. All pleadings will comply with Federal Rule of Criminal Procedure 49.1 regarding redaction of certain identifying information. Further, all trial exhibits shall be redacted to ensure that no Confidential Information is publicly filed or displayed in court.

7. Within 30 days of the judgment and sentencing hearing(s) in this matter, or within 30 days of any other resolution of the charges, all discovery provided to defense counsel in the above-captioned matter, and all other authorized copies, if any, shall be returned to the United States. If an appeal is noticed and the undersigned defense counsel continue to represent the Defendants on appeal, said defense counsel may continue to retain possession of all discovery according to the terms of this Order until 30 days after the conclusion of the matter in the Court of Appeals, at which point all discovery produced by the United States and any authorized copies shall be returned to counsel for the United States. As an alternative to return of the materials

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produced and any copies, defense counsel may instead destroy the discovery produced and any copies, and send a letter to counsel for the United States certifying that all such discovery has been destroyed in accordance with the terms of this Order.

IT IS SO STIPULATED:

DATED: August 23, 2012

MELINDA HAAG
United States Attorney

/s/
DENISE MARIE BARTON
Assistant United States Attorney


/s/
CLAIRE LEARY
Attorney for NGOC DUONG

/s/
DANIEL P. BLANK
Attorney for HONG LEE WONG

[PROPOSED] PROTECTIVE ORDER

IT IS SO ORDERED.

DATED: 8/23/12


THE HON. SUSAN ILLSTON
United States District Judge